

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of

Conf. No.: 2595

Josef Schwagmann

Serial No.: 10/520,716

Examiner: T. K. KIM

Filed: June 6, 2005

Art Unit: 2453

For: RECOGNITION OF REDUCED SERVICE CAPACITIES IN A COMMUNICATION
NETWORK

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for withdrawal of the holding of abandonment of March 24, 2009. The basis for the petition is that the time limit for responding to the outstanding office action has not expired, and a timely response is being filed concurrently herewith. A Notice of Appeal and a Petition for a Three Month Extension of Time was filed on September 11, 2008. Hence, Applicant has seven (7) months from the filing of the Notice of Appeal (2 months, and 5 extensions) in order to respond. Hence, the period for reply does not expire until April 13, 2009 (April 11 and 12 being a weekend).

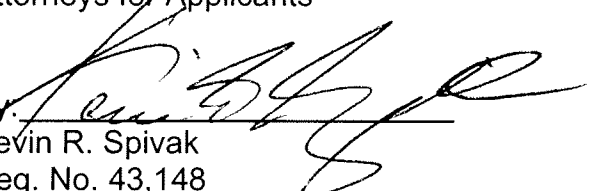
Enclosed are copies of (1) the Notice of Abandonment, (2) a Request for Continued Examination (and the submission), and (3) a Request for Extension of Time.

In view of the noted documents, the Commissioner is requested to withdraw the holding of abandonment. Please charge any fee deficiency or credit any overpayment to deposit account 04-1061.

Respectfully submitted,

DICKINSON WRIGHT PLLC
Attorneys for Applicants

Date: April 13, 2009

By: 
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,716	06/06/2005	Josef Schwagmann	2002P10577WOUS	2595
29177	7590	03/24/2009	EXAMINER	
K&L Gates LLP P.O. BOX 1135 CHICAGO, IL 60690			KIM, TAE K	
			ART UNIT	PAPER NUMBER
			2453	
			MAIL DATE	DELIVERY MODE
			03/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

10/520,716

Applicant(s)

SCHWAGMANN, JOSEF

Examiner

TAE K. KIM

Art Unit

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 September 2008.

- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

Attempted to contact attorney of record. Left message stating the status of this application and that it will be considered abandoned.

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457

/Tae K. Kim/
Examiner, Art Unit 2453

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.